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What the Gold Mine Disaster Tells Us
By THE NYTimes EDITORIAL BOARD
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The General Mining Law of 1872 is among the last surviving statutes of the boisterous era of westward expansion. Signed by Ulysses S. Grant, it establishes the basic rules for mining hard-rock minerals like gold, copper and uranium on public lands.

Useful in its day, the law is a destructive relic now. It allows mining companies to buy federal land for a few dollars an acre, demands no royalties and requires minimal environmental protections while the mine is operating and no cleanup afterward.

Its principal legacy, if it can be called that, is a battered landscape of abandoned mines and poisoned streams.

The durability of this law, which has resisted all efforts at reform, is worth noting in the wake of a terrible mining-related disaster. On Aug. 5, a team contracted by the Environmental Protection Agency to investigate leaks from an abandoned gold mine in Colorado accidentally unleashed a torrent of chemically laced water. The spill of more than three million gallons has poisoned over 100 miles of the Animas River with toxic wastes, turning the river a bright yellow-orange and threatening communities in Colorado, New Mexico, Utah and the Navajo Nation that draw water from the river and its tributaries.

But beyond this local disaster lies a national problem: According to Earthworks, a Washington-based advocacy group, there are 500,000 of these abandoned and unreclaimed mines scattered about the country. According to the E.P.A., the drainage from these mines has contaminated roughly 40 percent of the headwater areas of Western watersheds.

In other words, there are many similar disasters waiting to happen. One big reason is the permissive 1872 law: There has never been a firm legal requirement, let alone enough money, to clean these old mines up. One obvious remedy is comprehensive reform of that law.

In 2007, at the urging of then-Representative Nick Rahall of West Virginia, the House passed a modest bill requiring mining companies to pay royalties, just the way oil, gas and coal producers do. The money would have been used to clean up old mines, while tough safeguards would be imposed on new ones. But a similar bill went nowhere in the Senate, where Harry Reid, then the majority leader, has been less than enthusiastic about reform because mining is big business in Nevada, his home state.

Now Representative Raúl Grijalva, an Arizona Democrat, is trying again. His bill would levy royalties on both new and existing mines as well as a modest reclamation fee. Together these funds could at least begin the arduous, expensive but absolutely necessary task of addressing a major environmental problem.

Perhaps this time, with the Animas disaster fresh in its mind, Congress will pay attention.